
ESS Guidelines for Suppliers on the ESS ERIC Procurement Process

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1. INTRODUCTION

These Guidelines are available to suppliers and potential suppliers to the European Spallation Source ERIC (ESS or ESS-ERIC) to advise and provide clarity on aspects of the ESS procurement process. They focus on practical issues related to implementation of ESS-ERIC Procurement Rules [1].

These Guidelines may be updated from time-to-time.

2. GOVERNANCE OF THE PROCUREMENT PROCESS

Procurement for the ESS-ERIC is governed by the ESS-ERIC Procurement Rules, available on the ESS website at <https://europeanspallationsource.se/procurement-rules>

3. PROCUREMENT PROCEDURES

The type of procurement procedure will be indicated in the Call for Tenders. For procurement with an estimated value >200.000 EUR, ESS uses the following competitive procedures:

- Open procedure
- Restricted procedure
- Competitive procedure with negotiation

More information on the procurement procedures is available in the ESS-ERIC Procurement Rules.

4. PROCUREMENT PLANNING

ESS publishes an indicative procurement plan on the ESS website via Specific Advance Notices (SAN), as defined in the Procurement Rules. This plan is published in order to provide early notice to potential suppliers of ESS' upcoming procurements. The plan is not binding and may be subject to change.

5. PUBLISHING PROCUREMENT PROCEDURES

ESS publishes procurement procedures >200.000 EUR on its website via the ESS supplier portal. In addition, other media may be used for advertising procurement procedures, such as the Official Journal of the European Union.

For most procurement procedures <200.000 EUR, ESS contacts potential suppliers via the ESS supplier portal.

6. PARTICIPATION IN ESS PROCUREMENT PROCEDURES

Interested suppliers are able to participate in ESS procurement procedures that are advertised on the ESS website via the ESS supplier portal, based on the structure of the procedure used.

7. USE OF MARKET SURVEYS

ESS may use market surveys to solicit information on or from the market. Market surveys are not used as a pre-qualification step for a procurement procedure.

8. BUSINESS PROFILES

ESS maintains a database of business profiles in the ESS supplier portal. Suppliers interested in doing business with ESS can register and maintain their profiles in the supplier portal as well as configure notification preferences. Suppliers will be notified about new procurement procedures published based on the notification preferences settings. This database is not a tool to pre-qualify suppliers for a procurement procedure. In most cases, ESS will use the database of business profiles as a tool for sourcing suppliers for procurement procedures <200.000 EUR.

9. COMMUNICATION AND MEETINGS WITH SUPPLIERS

Outside of a procurement procedure, ESS staff may need to communicate with suppliers from time-to-time. During these communications, information that gives one supplier a competitive advantage over another will not be discussed and information shared in these discussions is non-binding.

During a procurement procedure, ESS may need to communicate or meet with suppliers, depending on the conditions of the procedure used. If such communication or meetings are required, then the parameters for such will be clearly defined in order to avoid bias in the procurement procedure.

10. PREPARING AND PRESENTATION OF TENDERS TO ESS

It is the responsibility of the tenderer to prepare and present tenders to ESS with the content and in the manner requested in the ESS supplier portal and the procurement documents. Tenders shall include all requested information and documentation must be clear, concise and understandable. Other information beyond the tender documents will not be taken into account.

The structure of the tender must be presented as requested in the ESS supplier portal and the procurement documents. This includes separation into clearly marked, separate envelopes, if required. If a tender is not submitted in such manner, then the tenderer may be disqualified.

11. SUBMISSION OF TENDERS TO ESS

It is the responsibility of the tenderer to submit a tender by the date and time and in the manner specified in the ESS supplier portal and the procurement documents.

Late delivery will lead to the exclusion from the evaluation and award procedure for the contract.

The Opening Board for the procurement procedure will confirm acceptance for evaluation.

12.INDICATIVE TIMETABLE IN PROCUREMENT DOCUMENTS

ESS provides an indicative timetable in the ESS supplier portal and the procurement documents. This timetable is provided as a guide for the procedure. It is prepared as a best estimate, but ESS has the right to deviate from the timetable at any time. ESS will strive to communicate any significant deviations from the indicative timetable in a timely manner.

13.COMMUNICATION DURING A PROCUREMENT PROCEDURE

Communication during a procurement procedure must be done in the manner specified in the ESS supplier portal and the procurement documents. Communication through other means or persons is not official and may lead to disqualification from the procurement procedure.

14.ACCESS TO CALL FOR TENDER DOCUMENTS

ESS uses the ESS supplier portal for publishing contract notices, specific advance notices, market surveys, distributing procurement documents, communicating with suppliers and receiving tenders and documentation from suppliers electronically. It is the responsibility of the supplier to register in ESS supplier portal, maintain its account, configure notification settings and use it as the means for receiving, communicating and submitting information related to the specific procurement procedure.

Other means of communication are not official and may result in a supplier missing important clarifications or updates to a procurement procedure.

15.COMMUNICATION ON THE RESULTS OF A PROCUREMENT PROCEDURE

ESS will communicate the results of a procurement procedure in writing without delay after an award decision has been taken. Awarded and non-awarded supplier(s) will be notified at the same time.

16.PUBLISHING CONTRACT AWARD NOTICES

ESS publishes Contract Award Notices for procurement procedures published on the website. Contract Award Notices indicate the ESS reference number for the procurement procedure, name of the awarded supplier(s), value and duration. They are published on a quarterly basis by month in which the final contract was signed.

17.REIMBURSEMENT OF COSTS

ESS will not reimburse any costs incurred by tenderers with connection with preparation and submission of their responses to an open Call for Tenders.

18.CANCELLING A TENDERING PROCEDURE

ESS reserves the right to cancel a tendering procedure at any point. ESS shall not be liable for any compensation with respect to tenderers whose tenders have not been accepted. Nor shall it be so liable if it decides not to award the contract.

19.CANVASSING OF ESS EMPLOYEES

Direct or indirect canvassing of any ESS employee by a tenderer concerning a Call for Tenders, or any attempt to obtain unfair advantage from any ESS employee, may result in the disqualification of the tenderer from consideration for the Call for Tenders.

20.MANAGING CONFLICT OF INTEREST

ESS is concerned to avoid conflict of interest. Tenderers should note that ESS reserves the right to disqualify tenderers where there is an actual or potential conflict of interest.

21.ACCESS TO INFORMATION

The ESS-ERIC is not subject to principle of public access to official documents (Offentlighetsprincipen).

22.APPEALING A PROCUREMENT PROCEDURE

The ESS-ERIC Procurement Rules provide for aggrieved parties who have been harmed or are at risk of harm by a breach of the procurement rules to formally appeal procurement decisions within 10 days from the day on which they knew or ought to have known of the grounds of the appeal.

Formal appeals must be marked 'confidential' and submitted in writing to the following address only:

Tenders Appeal Board
European Spallation Source ERIC
P.O Box 176
SE-221 00 Lund, Sweden
Email: tendersappealboard@ess.eu

23.GENERAL CONTACT INFORMATION

For general contact with the ESS Supply, Procurement and Logistics Division, suppliers can contact procurement@ess.eu.

24. REFERENCES

[1] European Spallation Source ERIC Procurement Rules (ESS-0039684)

DOCUMENT REVISION HISTORY

Revision	Reason for and description of change	Author	Date
1	First issue	Meredith Shirey	2016-11-16
2	Updates (references to ESS supplier portal, SAN, no. of days in appeal period)	Meredith Shirey	2017-11-26
3	Updates according to rev. 3 of ESS-ERIC Procurement Rules	Mirko Menninga	2020-03-19